



## THE SALT LAKE HERALD

ESTABLISHED JUNE 6, 1870.

SALT LAKE CITY, UTAH, FRIDAY, MARCH 17, 1905

PRICE, FIVE CENTS.

LAST EDITION.

WEATHER FOR SALT LAKE.  
Cloudy, with local rain.  
Silver, 86 per ounce.  
Copper (casting), 14 1/2  
Lead, 10 ore, \$3.50; New York, \$4.45.PEABODY WINS CONTEST  
BY PROMISE TO RESIGN

Gives Pledge to Surrender Chair to Lieutenant Governor McDonald.

Colorado Legislature Declares Against Alva Adams by Vote of 55 to 41—Republican Chairman Says Peabody Will Not Surrender Office.

Denver, Colo., March 16.—Standing on the porch of Governor Peabody's residence tonight, while a band played and a chorus of voices shouted congratulations to the governor, D. B. Fairley, chairman of the Republican state central committee, engaged in conversation with a representative of the Associated Press.

"Will Peabody resign?" he was asked.

"I think not," was the reply.

"Has he signed a resignation?"

"A tentative one, yes."

"What will be done with it?"

"Nothing," answered the chairman.

"Was this a part of the plan to seat him, Mr. Fairley?" the reporter asked.

"I believe so," responded Mr. Fairley.

The appearance at the door of Governor Peabody interrupted the talk, and later the governor himself came out upon the porch and addressed the crowd. He thanked his friends for their loyalty, but made no reference to his intentions regarding the governorship.

DENVER, March 16.—James H. Peabody today won his contest for the office of governor, from which he retired on Jan. 19, after serving a term of two years, but his victory was achieved only after he had given his pledge to resign and surrender the chair to Lieutenant Governor Jesse F. McDonald.

The vote in joint convention of the general assembly by which Governor Alva Adams was elected to the office of governor, was 55 to 41. Ten Republicans voted with the Democrats for Adams.

It was more in the nature of a personal triumph for both Peabody and McDonald as Republicans and Democrats are in a minority in the legislature. The membership of the legislature being 66 Republicans and 31 Democrats, it had been found impossible to gain by Peabody enough Republican votes to reelect him as governor for the remainder of the biennial term ending in January, 1907.

**Basis of Compromise.**

Twenty-two Republican members of the general assembly, according to report, refused to be bound by action in caucus on the contest and entered into a compact not to vote for Peabody. A majority of them, however, were in favor of seating the lieutenant governor in the governor's chair if means could be found to do so legally. Finally the leaders of the opposing Republicans agreed to a compromise by which Peabody would be vindicated by being declared elected and McDonald would be made governor.

At the conference at which the bargain was made pledges were given to the independent Republicans by the heads of four large corporations, who had been active in the contest, that they would retire after being seated and permit the lieutenant governor to take the office of governor.

Governor Peabody's resignation, it is said, was placed in the hands of W. S. Roynton and will be filed by him with the secretary of state tomorrow.

**Adams Surrenders Chair.**

Governor Adams who had spent the day packing his trunk, considered his office to Governor Peabody shortly after 5 o'clock this afternoon. Scores of letters, telegrams and telephone messages had reached the executive chamber during the day urging Governor Adams to hold his seat by force but he decided to ignore this advice.

In conversation with the press, he said he was glad to see the general assembly and expressed surprise that Mr. Peabody should become a party to what he considered a conspiracy to secure the office of governor for a man who had no claim whatever for the place. Later Governor Adams will issue a formal statement to the public regarding the result of the contest.

Jesse F. McDonald, who is slated to become governor of Colorado, was born in Ashtabula, O., in 1858. He came to Colorado in 1879 and has been conducting interests in Leadville and elsewhere.

"I do not wish to be considered solely responsible for its successful ending," said Senator Morton Alexander tonight. "McDonald is the man to satisfy the state, and I am bringing peace to the state, disrupted long enough by political dissension. The people of the state will now settle down to quiet business pursuits."

**"Done Their Duty."**

Governor Peabody was escorted before the joint assembly by a committee after the adoption of the report and resolutions restoring him to the office of governor. He was greeted with cheers. The oath of office was administered to him by Chief Justice Gabbert. When the applause following the ceremony subsided, Governor Peabody thanked the members of the legislature for having "done their duty," and assured them that their action would be given the approval of their constituents. He said that his election would do away once for all with criminal elections, and if this end was attained a great good would come to the state.

While the new governor was speaking a governor's salute was booming on the grounds outside the capitol. No hint was given by Mr. Peabody's speech of his intention of resigning. The joint convention adjourned until next Tuesday, when it is expected a report on the bribery charges will be made.

Governor Peabody, accompanied by Adjutant General Sherman M. Bell and a number of friends, went directly to the governor's chamber after the conclusion of the inauguration ceremony. Governor Adams had left when Governor Peabody arrived, but the retiring governor's private secretary, Alfred Patek, was still in the office.

## HISTORY OF CONTEST.

Methods Employed to Wipe Out Adams' Plurality of 9,774.

Denver, March 16.—Alva Adams was inaugurated as governor on Jan. 10, the day of the election returns by the general assembly having shown a plurality of 9,774 votes for him. Two days later James H. Peabody filed a contest for the office which he reluctantly surrendered. On Jan. 17 the general assembly in joint convention authorized a committee of twenty-seven members, fifteen Republicans and nine Democrats to hear the evidence in the contest and report its conclusions.

Fourteen days each were allowed the contestant and contestee for the introduction of evidence, and five days addition were given the contestant to introduce evidence in rebuttal. The committee consumed twelve days more in considering the evidence and preparing its reports. These were submitted to the joint convention on March 2.

Fourteen Republican members of the committee signed a report submitted by Peabody's counsel, which found a majority of 2,280 for Peabody in the state by rejecting the entire vote of 104 election precincts in Denver and 28 in other counties on the ground of fraud and conspiracy on the part of the Democrats.

The nine Democratic committeemen presented a report declaring that Peabody had failed to prove his election, and recommending dismissal of his contest. William H. Griffith, chairman of the contest committee, and three other Republican members, reported that there was much fraud shown in the election, but that the allegations of fraud in the 35 other precincts which Peabody had asked to have thrown out had been disproved.

Dismissed. Senator Morton Alexander, one of the signers of the majority report, also presented another report, which recommended that Peabody be seated as governor. He subsequently amended his report by making reference to the lieutenant governor, and it then provided simply for declaring Peabody's resignation void, and that the lieutenant governor be seated as governor. He subsequently amended his report by making reference to the lieutenant governor, and it then provided simply for declaring Peabody's resignation void, and that the lieutenant governor be seated as governor.

Barney asked for an opinion on this method of settling the contest, the supreme court pronounced it illegal. Testimony by attorneys for the contestants before the joint convention was concluded last Saturday, and action on the contest has since been deferred until today, while efforts were made to unite Republicans for Peabody. The joint convention consisted of 97 members, and the Republican majority was 59.

Twenty-two Republicans, however, were opposed to seating Peabody for the remainder of the biennial term, and they forced the former governor to agree to resign the office to Lieutenant Governor McDonald within twenty-four hours after being seated.

**STRENGTH OF COCKRELL**

Supporters of Niedringhaus Return to Him After Compromise Fails—Grand Jury Summons.

Jefferson City, Mo., March 16.—After having failed to elect Judge Spencer United States senator as a compromise in the joint ballot of the past two days, the supporters of Theodore E. Niedringhaus, the caucus nominee, returned to him today. Three ballots were taken, still without result.

The first ballot today showed decided strength for the re-election of F. M. Cockrell. The result was:

Cockrell, 50; Niedringhaus, 63; Pettibone, 15; Harrison, 2; Barstow, 1; Spencer, 1; necessary to a choice, 38.

A second ballot stood:

Cockrell, 51; Niedringhaus, 59; Pettibone, 12; Parker, 12; Warner, 1; Kerens, 1; Harrison, 1; necessary to a choice, 57.

**May Investigate Deadlock.**

Jefferson City, Mo., March 16.—It is believed that the special grand jury which is to assemble on Tuesday will make an investigation into the present senatorial deadlock.

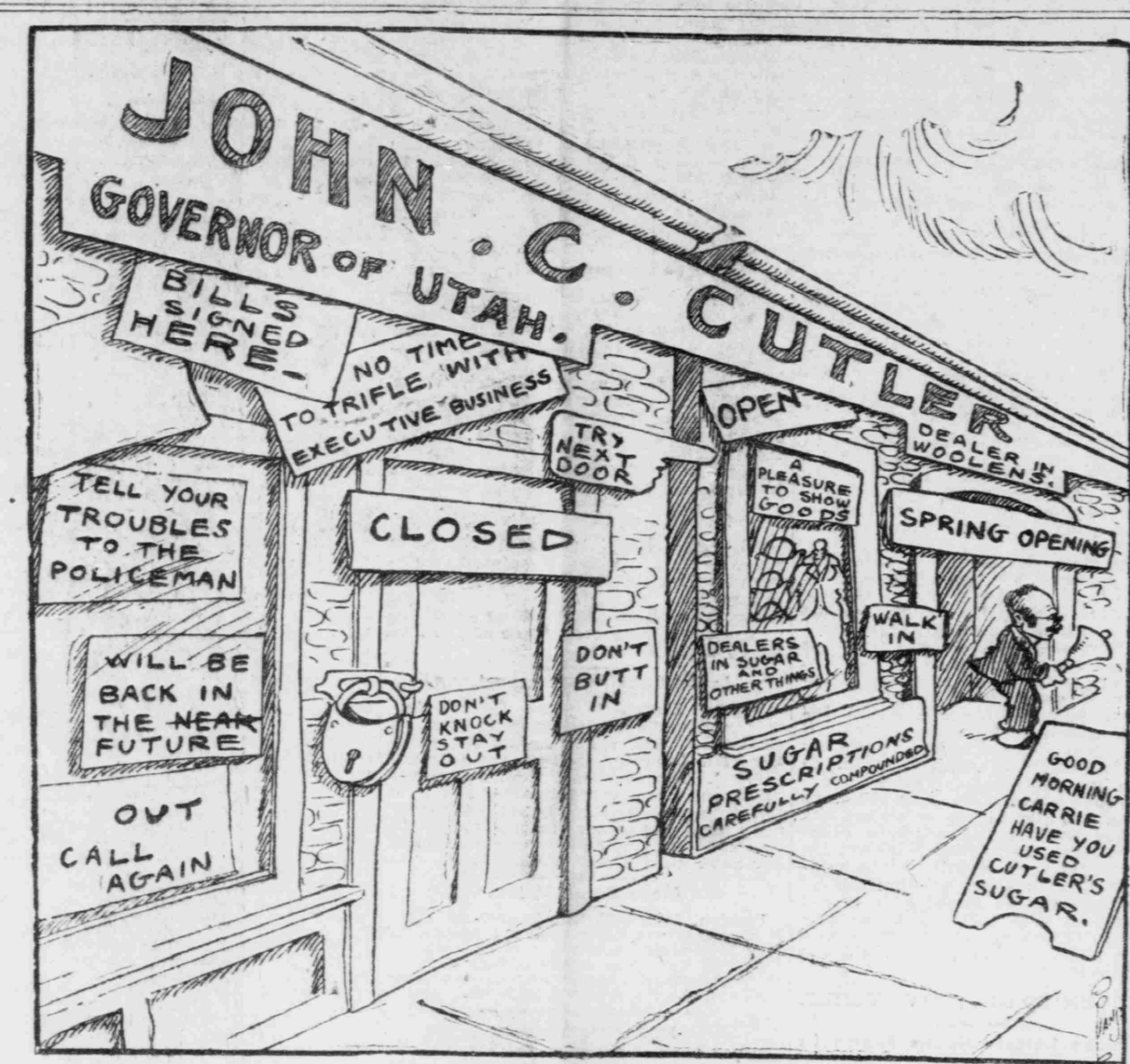
This belief is founded on the action of the grand jury today in summoning before it Theodore E. Niedringhaus, the Republican caucus nominee for senator; Charles K. Morris, his campaign manager; Charles Smith, manager of the Kerens campaign, and several other politicians.

**Only Two Days More.**

Jefferson City, Mo., March 16.—Resolutions were adopted by the grand jury and senate providing for the adjournment of the grand jury on Saturday, and the senate adjourned on Saturday, leaving only two days remain for election of a senator.

**SOLDIERS BACK FROM ISLANDS.**

San Francisco, March 16.—The army transport Thomas arrived today from Manila, Nagasaki and Honolulu, she brought the Ninth, Seventeenth and Eighteenth batteries of field artillery, 17 cannons, 19 sick soldiers, 5 insane and 22 military prisoners. The Seventeenth and Eighteenth batteries will be transferred to the transport Buford, which is ready to sail for Vancouver barracks, Wash., where they are to be stationed. The other soldiers will go to the Presidio for the present.



BACK AT THE OLD STAND.

## IS NOTHING TO IT, ANOTHER GENERATION'S DUTY

Taft Explains That Administration Intends to Refer Settlement of Philippine Question to Those Who Shall Come After.

Smoot's Senator Discusses Utah Political Conditions.

HE FOUGHT AND WON ALONE

THE "GREAT COMMON PEOPLE'S CHOICE" TELLS FUNNY STORY.

(Special to The Herald.)

WASHINGTON, March 16.—The following interview with Senator Sutherland appeared in the Washington Post today. Questioned by the reporter, Senator Sutherland said the interview was substantially correct though not as full and complete as the subject warranted.

"Contrary to the statement of Senator Dubois, made to the National Congress of Mothers, it is not true that no man can be elected to the senate of the United States who is not a native-born citizen. The fact is that some other western states who do not have the support of the Mormon church."

"I was elected to the senate without the support in any way, shape or manner, of the Mormon church. I announced my candidacy more than two years ago. I made my fight in the ordinary political way, with both Mormons and Gentiles. I did not have directly or indirectly the aid of the Mormon church or any of its leaders. I made my fight in the primaries, and succeeded in electing the convention's delegates who in turn nominated a majority of legislators who were friendly to my candidacy."

"There were in the legislature fifty-seven Republicans and six Democrats. Of the fifty-seven Republicans thirty-six were Mormons and twenty-one were Gentiles. On the first ballot in the Republican caucus I received every vote, including every one of the Gentiles. The Gentiles, however, who were strongly anti-Mormon in sentiment."

"Tag! Tom's it."

"Some of them had strongly opposed Senator Smoot's election two years ago. After the election they voted for me as M. J. Dailey, then and now, superintendent of the Silver King mine, owned and controlled by Senator McKean and his friends."

"My judgment is that Joseph E. Smith, ever since he has been the head of the church, has absolutely kept his hands off and has kept the church out of politics in the state of Utah or any other western state. If Senator Dubois asserts the contrary he simply does not know what he is talking about."

"In regard to polygamy, conditions are greatly exaggerated. It is true that to a considerable extent old polygamists have returned and are living with their wives, but the number is very rapidly decreasing. At the time of the manifesto there were 2,500; today there are not more than 500. A majority of these are composed of men and women of advanced years. It is a mistaken idea that conditions in Utah and in other states, where there are Mormon people are not improving. Any man who has participated in politics there as I have is bound to see vast changes for the better which have taken place. Whatever evils still exist will be remedied by the Mormon people themselves."

**ROOSEVELTS IN NEW YORK**

President Will Attend Wedding of Relative and Will Address Various Sons.

Washington, March 16.—President and Mrs. Roosevelt will leave early tomorrow morning for New York, where tomorrow afternoon the president and Mrs. Roosevelt will be guests of honor at the wedding of the president's niece, Miss Eleanor Roosevelt, and Franklin Roosevelt. President Roosevelt will attend a banquet given at Delmonico's in his honor by the Friendly Sons of St. Patrick. About 10 o'clock he will go to the Hotel Astor to attend a banquet given by the Sons of the American Revolution. The president will deliver addresses at both banquets.

**CABINET MINISTER RESIGNS.**

Cabinet City, March 16.—General Francesco Lena, minister of war, has resigned on account of his health, which has been impaired for some time, and will sail this morning for Europe.

**CORTELYOU INSISTS HE WILL RESIGN SOON**

Washington, March 16.—Postmaster General Cortelyou contradicts the report published today to the effect that he has reconsidered his determination to resign his position as chairman of the Republican national committee and retain the position.

"There has been no change in plan," he said, "I shall retire from the chairmanship. I cannot say just when, but before a great while."

**BANK PRESIDENT RESIGNS.**

New York, March 16.—The resignation of Richard L. Edwards, president of the National Bank of North America of this city, was accepted today. It is understood the directors will offer the place to James H. Eckels of Chicago.

**LABOR UNIONS DECLARE AGAINST PORTLAND FAIR**

Seattle, Wash., March 16.—The Western Central Labor union, which represents fifty local labor organizations, tonight endorsed the action recently taken by the Seattle Building Trades assembly in supporting the Portland Structural Building Alliance in the Lewis and Clark exposition controversy, and passed a resolution recommending that all members who attend the fair be fined \$25. The representative of the American Federation of Labor now in Portland was advised of the action. The painters, carpenters, plumbers and sign painters today endorsed the cause of the Portland strikers.

**HARPER TO TRY X-RAYS.**

New York, March 16.—President William H. Harper, of the University of Chicago, who arrived here from Chicago yesterday, left this city today for Lakewood, N. J., where he is to take X-ray treatment. He was accompanied by his son, Samuel N. Harper, and his physician.

## GREAT STORMS IN SOUTHWEST

Trains Tied Up by Landslides and Washouts.

DAMAGE BY FLOOD WATERS

RAIN GENERAL IN SOUTHERN CALIFORNIA AND ARIZONA.

LOS ANGELES, March 16.—Southern California continues to be the storm center of the state and rain fell over the entire section throughout the day. The earth having been thoroughly saturated by the great storms of last Saturday, Sunday and Monday the flood waters have turned what by courtesy have been called rivers, and which have been dry, sandy washes, for years, into muddy, rushing streams.

The greatest sufferers from the prolonged downpour are the railroads. Only one line, the Sunset Route of the Southern Pacific east of here is in operation. All other trains over this line are traveling far behind schedule. The Santa Fe is experiencing much trouble on its line between Los Angeles and Harlow, particularly in El Cajon pass, where landslides have repeatedly buried the tracks. The Southern Pacific is also having trouble on account of damaged tracks. Five west bound passenger trains are stalled in this city, and line just east of the scene of the trouble and four between the pass and San Bernardino. Other west bound trains over the Santa Fe have been diverted to the west coast route at Santa Fe officials to get some of their delayed trains through by tonight. Further landslides prevent their movement.

Three of the long delayed south bound trains over the Santa Fe are stalled in the city. They reached a point near Glendale shortly after noon today, but were held up again on account of damaged tracks. Many of the passengers secured vehicles and rode to Los Angeles. The trains had been since yesterday afternoon in covering a distance of about 100 miles between Santa Barbara and this city. There will be no more trains until north from here over the coast line until the track is in 2-day to carry them without delay.

Several trains are still tied up at Santa Barbara and it may be another day or two before they reach Los Angeles. The first passenger train to leave for the first time in its history. Not a single sack of mail came in from the east or north.

**Injury to Property.**

Some damage to streets resulted from the flood waters pouring down from the hill district today. The bursting of a storm drain at Fourth and Main streets turned the thoroughfare into a canal several feet deep, the water carrying a total of 4.8 inches of rain. The water from dump holes in the oil district. At Ninth and Hoover streets, a lake ten feet deep was formed, the water covering handsome lawns in the vicinity and flooding cellars of many private residences. The total rainfall at Los Angeles for the season 17.56 inches, against a normal of 14.5 inches, according to date last year.

The great benefit that will result from the usual annual rainfall, which is now being stored up in the reservoirs, is that it will prevent the great drought which is now being experienced. The water in the reservoirs is now being stored up in the reservoirs, and it will prevent the great drought which is now being experienced. The water in the reservoirs is now being stored up in the reservoirs, and it will prevent the great drought which is now being experienced.

**Prescott's Greatest Storm.**

Prescott, Ariz., March 16.—As the result of the greatest storm in Arizona, a wheel is moving on the Santa Fe. Prescott is now being hit by a flood of water from the mountains. The water is now being hit by a flood of water from the mountains. The water is now being hit by a flood of water from the mountains.

**More Rain at Phoenix.**

Phoenix, Ariz., March 16.—After nearly two days of cessation, rain began falling again this morning about 3 o'clock and continued until daylight. At 12:30 p. m. another short but heavy storm prevailed. The Gila river rose four inches but there has been no interference yet with the Maricopa and Phoenix bridge, which was placed in commission again yesterday.

**Driven From Homes.**

Phoenix, Ariz., March 16.—At 10 o'clock tonight a telephone message from four miles north of Phoenix says that another heavy cross-country flood is on its way. It is feared that the flood will reach the city in a few days. The flood will reach the city in a few days. The flood will reach the city in a few days.

**Uniform Rate to Orient**

Chicago, March 16.—Representatives of all the trans-Pacific passenger lines met here today to consider the question of establishing a uniform rate with all the companies from the Pacific coast to Orient. The meeting was a session of three hours behind closed doors. No definite conclusion was reached, and the meeting was adjourned until tomorrow when another effort will be made to reach a settlement of the question.

**Trans-Pacific Passenger Managers Endeavor to Reach Agreement on Question.**

Chicago, March 16.—Representatives of all the trans-Pacific passenger lines met here today to consider the question of establishing a uniform rate with all the companies from the Pacific coast to Orient. The meeting was a session of three hours behind closed doors. No definite conclusion was reached, and the meeting was adjourned until tomorrow when another effort will be made to reach a settlement of the question.

**Immensely Stores in Reserve.**

The distance from Tien pass to Harbin is very little less than 300 miles, and except for the first few miles every acre is under cultivation of some sort. The commissariat is concerned, the Russians need have no fear. Hardly a pound of grain is left in the country. They also purchased all the cattle and horses, and had Cossacks herding them.

The weather on the plain is very much colder than in the mountain section of Manchuria, the thermometer in the trains dropping several degrees as the divide is crossed, and continuing to go down until the plain is reached. As a rule the ground does not commence to thaw until April, except a very little on the surface in the middle of the day, the sun being strong even in winter.

The most important Russian town between Tien pass and Harbin, with the exception of Kaitum, which is not on the railway, is Kwantung, also spelled Kungshung. This town is a little over 100 miles north of Tien pass. Here were gathered great stores of provisions alongside of which were erected Red Cross hospitals, the best by far that the Russians had south of Harbin. At all the other stations there were also hospital accommodations so that if Kuropatkin escapes from Oyama at Tien pass he has a good chance to cross the border at the most favorable season of the year. Another few weeks and the roads will be impassable. But if he is hard-pressed there is not a defensible position unless he abandons the railway and seeks safety in the eastern hills.

## TAKE COMMAND FROM KUROPATKIN

Linevitch Placed at Head of Russian Army.

FIGHT NORTH OF TIE PASS

THE RUSSIANS MUST RETREAT ACROSS OPEN COUNTRY.

St. Petersburg, March 17.—It is officially announced that General Kuropatkin will be replaced by General Linevitch as commander-in-chief of the Manchurian army.

Tokio, March 17.—9 a. m.—The Japanese captured many prisoners at Tien Pass, and the Russians destroyed vast stores.

Santopou, eight miles north of Tien Pass, Manchuria, Wednesday, March 15 (evening).—The Russians have abandoned their advanced position on the Fen river, where the desperate attack of the Japanese yesterday, March 14, was repulsed, but the Japanese are on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.

Tokio, March 16 (noon).—Details of the occupation of Tien pass have not yet been received at imperial army headquarters. An official bulletin reports the Japanese yesterday, March 14, on the defenses on Tien pass. Previous to the retirement the supplies of wood, etc., collected there were set on fire.

A desperate bloody battle is now waging north of Tien pass.